

Remarks

The foregoing amendment amends claims 1, 2 and 18, cancels claims 17, 26-31, 33, 37 and 38 and adds claims 39-53. Pending in the application are claims 1-16, 18-25, 32, 34-36, and 39-53, of which claims 1, 18, 46, 49 and 52 are independent. The following comments address all stated grounds for rejection and place the presently pending claims, as identified above, in condition for allowance.

Claims 1 and 2 are amended to recite that the gliders coupled to the bottom surface of the first foot pad are substantially flat. Claim 1 also recites that the first foot pad travels in a longitudinal direction within the first track.

Claim 18 is amended to include the patentable subject matter of claim 26.

New claims 39-53 have been added to more fully claim the instant invention. Support for the additional claims can be found throughout the original specification, claims and figures. *No new matter has been added.*

Amendment and cancellation of the claims are not to be construed as an acquiescence to any of the objections/rejections set forth in the instant Office Action, and were done solely to expedite prosecution of the application. Applicants reserve the right to pursue the claims as originally filed, or similar claims, in this or one or more subsequent patent applications.

35 U.S.C. 102(b) Rejections

Applicants thank the Examiner for the close review of the claims and for indicating that claims 26-33 recite patentable subject matter. The Examiner rejects claims 1-4, 6, 8, 11, 14, 18-20, 23-24 and 34-36 under 35 U.S.C. 102(b) as being anticipated by Flick. The Examiner rejects claims 17-19, 21, 25 and 35 under 35 U.S.C. 102(b) as being anticipated by Fundom. The Examiner rejects claims 1, 5, 7, 10-13 and 16 under 35 U.S.C. 102(b) as being anticipated by Friedebach and claims 1, 9 and 15 under 35 U.S.C. 102(b) as being anticipated by Rawls.

Applicants respectfully traverse the rejection and submit that the presently pending claims, as identified above, are patentable over the cited references.

Independent claim 18 has been amended to recite the subject matter of canceled claim 26. As recognized by the Examiner, the cited references do not teach or suggest a leg exerciser that includes a first swing pin and a second swing pin for rotatably mounting the leg exerciser to a chair, as recited in amended claim 18. Therefore, claim 18, and claims 19-25, 32, 34-36, which depend from claim 18, are patentable over the cited prior art.

Regarding the rejection of claims 1-4, 6, 8, 11, 14, 18-20, 23-24 and 34-36, as being anticipated by Flick, the Flick reference does not teach or suggest a leg exerciser including a plurality of *substantially flat* gliders mounted to a bottom surface of a foot pad, as recited in independent claim 1. Rather, as clearly shown in Figure 2 and described in column 2, lines 57-62, the limb pads in Flick are mounted to wheels, not substantially flat gliders, to permit to-and-fro *rolling* movement of the pads in the channels. In contrast, the substantially flat gliders recited in claim 1 allow the foot pad to smoothly *slide* within the track. The use of substantially flat gliders provides a more compact structure, without requiring moving parts, such as wheels, that are prone to failure. The gliders also minimize wear and noise during operation of the leg exerciser.

Regarding claim 8, the end members 20 and 22 in Flick are not “bumpers mounted at each end of a track”, as recited in the claim. The end members merely serve to house the pulley system, rather than cushion the impact of the limb pads 30. Furthermore, the limb pads in Flick do not have a texturized surface, as recited in claim 11, which prevents a user’s foot from sliding. Flick only suggests that the limb pads may be *padded* (column 2, lines 60-62), but does not teach or suggest a foot pad having a texturized surface.

The Friedebach reference also does not teach or suggest a leg exerciser including *substantially flat* gliders coupled to a *bottom* surface of a foot pad, as recited in claim 1. Rather, the foot skates of the Friedebach device have vertical sidewalls 62 for mounting rollers 64 on

bearing assemblies 66. To attach each skate to the frame assembly, the rollers 64 are mounted within tracks on rails 14 and 16. The rollers 64 of Friedebach are not *substantially flat*, nor are they mounted to a bottom surface of the foot skates. Therefore, claim 1, and claims 2-16 and 39-45, which depend from claim 1, distinguish patentably over the Friedebach reference.

Furthermore, regarding claim 5, the Friedebach reference only mentions that the arm poles and the electronics module are foldable to a substantially flat position closely adjacent to the frame, but does not teach or suggest that the *frame* may be folded.

The Friedebach reference also does not teach or suggest a toe strap, a heel strap or an ankle strap for securing a user's foot, as recited in claims 11 and 13. Reference number 60 denotes a toe *kick*, which is not a strap and only prevents forward movement of the foot relative to the skate.

Regarding the rejection of claims 1, 9 and 15 as being anticipated by the Rawls reference, the Rawls reference also does not teach or suggest a leg exerciser including plurality of *substantially flat* gliders coupled to a bottom surface of a foot pad for permitting the foot pad to smoothly slide *within* a track, as recited in claim 1. The pedals in Rawls are mounted on pedal mounts *above* tracks 22 and 23. Rawls does not teach or suggest using *substantially flat* gliders. The Rawls reference also does not teach or suggest a track that permits a foot pad to move along a *longitudinal axis*, as recited in claim 1. In Rawls, the pedals are specifically designed to movably and *rotatably* mounted to the pedal tracks and do not travel along a longitudinal axis.

35 U.S.C. 103(a) Rejections

The Examiner rejects claims 18, 21 and 22 under 35 U.S.C. 103(a) as being unpatentable over Fundom in view of Kuo. The Examiner also rejects claims 18 and 23 under 35 U.S.C. 103(a) as being unpatentable over Kynast et al. Claim 18 has been amended to include the patentable subject matter of claim 26. Therefore, Applicants respectfully submit that claims 18

and 19-25, 32, 34-36, which depend from 18, are patentable over the Fundom, Kuo and/or Kynast reference.

The Examiner rejects claims 37 and 38 under 35 U.S.C. 103(a) as being unpatentable over Jen-Huey. Claims 37 and 38 have been canceled, thus obviating the rejection.

New Claims

New claims 39-53 are also patentable over the cited prior art. Claims 39-45 depend from claim 1 and recite additional patentable features not taught or suggested in the cited prior art. For example, claim 39 recites that the bottom surface of the foot pad includes a plurality of channels, each channel holding an end of a glider. Claim 40 recites that the gliders have outside edges that extend beyond the first foot pad and contact an edge of the first track when the first foot pad is inserted in the first track.

Regarding claim 46, the cited references, alone or in combination, do not teach or suggest a leg exerciser including an adjustable resistance device in a foot pad for providing an *outward force* against a track edge. Dependent claim 41 also recites the adjustable resistance device. The references also do not teach or suggest an adjustable resistance device comprising a friction pad, an adjustment rod connected to a friction pad and a turnbuckle for moving the friction pad, as recited in claims 47 and 42. For example, the adjustment handle 113 in the Kynast reference cited by the Examiner is used to fix the position of a slide plate 58, which hold wheelchair front wheels from sidewise shifting during use of the device. The adjustment handle 113 locks the slide plate in a mounting position, based on the size of the wheelchair, while the adjustable resistance device recited in claim 46 *adjusts* the resistance of the foot pad, while permitting movement of the foot pad within the track. Furthermore, the slide plates 58 of Kynast are *not* foot pads for receiving a user's foot, as recited in claim 46. Rather, the slide plates are only used to secure a wheelchair on the device and do not receive a user's foot or slide in the ramps during operation.

The cited references also do not teach or suggest a leg exerciser including a track divider formed in a base member for inhibiting contact between a first track and a second track, or a hinge formed along a track divider for folding the base member, as recited in independent claim 49 and dependent claim 44. In fact, the references teach away from including a track divider between two tracks and a hinge formed along the track divider for folding the base member, because, for example, the Flick reference, the Friedebach reference, the Fundom reference, and the Rawls reference all include rigid components, such as pulleys, between tracks that would prevent a base member from folding even if there were a hinge disposed therebetween.

The cited references also do not teach or suggest a leg exerciser including an elastic strap connecting an end of a foot pad to a base member for resisting motion of the foot pad within a track in a first direction, as recited in dependent claim 43 and independent claim 52. In contrast, the “foot pads” in the Flick reference, the Friedebach reference, the Fundom reference, and the Rawls reference attach to rigid cables that are not resilient, flexible or elastic and are not capable of increasing a resistance to motion of a foot pad. Rather, the cables are used to cause one “foot pad” to move when a corresponding “foot pad” moves.

In summary, the cited prior art does not teach or suggest a leg exerciser including substantially flat gliders for permitting sliding of a foot pad within a track, as recited in independent claim 1, or a leg exerciser including swing pins, as recited in independent claim 18 for rotatably mounting the leg exerciser to a chair. The cited references also do not teach or suggest a leg exerciser including an adjustable resistance device, as set forth in independent claim 46, a track divider including a hinge, as recited in independent claim 49, or an elastic strap for resisting motion of a foot pad, as recited in claim 52. Therefore, it is Applicants’ position that the present application is in condition for allowance.

Conclusion

For the foregoing reasons, Applicants contend that pending claims 1-16, 18-25, 32, 34-36, and 39-53 distinguish patentably over the prior art. As such, the Applicants respectfully request that the Examiner's rejections so far as they are based upon 35 U.S.C. §102 and 35 U.S.C. §103 be reconsidered and withdrawn.

If there are any remaining issues, an opportunity for an interview is requested prior to the issuance of another Office Action. If the above amendments are not deemed to place this case in condition for allowance, the Examiner is urged to call the Applicants' representative at the telephone number listed below.

Respectfully submitted,

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Date: **July 23, 2003**